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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,444	11/25/2003	Floyd D. Simpson	CE11066JI121 (79068)	7126
24273	7590	05/05/2006	EXAMINER	
MOTOROLA, INC INTELLECTUAL PROPERTY SECTION LAW DEPT 8000 WEST SUNRISE BLVD FT LAUDERDAL, FL 33322			LAM, DUNG LE	
			ART UNIT	PAPER NUMBER
			2617	
DATE MAILED: 05/05/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/721,444	SIMPSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dung Lam	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22,24 and 25 is/are pending in the application.
  - 4a) Of the above claim(s) 23 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22,24-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Response to Amendment*

The declaration filed on February 14, 2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the Liu reference.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Liu reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

The evidence submitted fails to show the following, the deficiency is not limited to these examples:

- a. Regarding **claim 1**, the evidence fails to show “receiving a beacon transmission from the access point comprising first information that corresponds to times when other subscriber units are proposing to utilize the shared wireless communication resource”;
- b. Regarding **claim 8**, the evidence fails to show “including schedule information that corresponds to at least a part of the information in a beacon transmission to the subscriber units, such that at least one of the subscriber units

can utilize the schedule information to schedule a sleep mode of operation that is consistent with data reception at a selected particular time".

c. Regarding **claim 16**, the evidence fails to show "using the information to form a message; transmitting the message in a beacon transmission to the subscriber units; at at least one of the subscriber units: receiving the beacon transmission; using the message to select a first particular time at which to shift from a sleep mode of operation to an active mode of operation."

d. The evidence also fails to show the further limitations of claims 6, 7, 9, 11, 12, 13, 14, 15, 17, 18, and 21.

In establishing conception, a party must show possession of every feature recited in the count, and that every limitation of the count must have been known to the inventor at the time of the alleged conception – MPEP 2138.04.

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Liu reference to either a constructive reduction to practice or an actual reduction to practice.

The evidence submitted shows no account for the entire period during which diligence is required. The entire period during which diligence is required must be accounted for by either affirmative acts or acceptable excuses. Applicant must account for the entire period during which diligence is required – MPEP 2138.06.

Art Unit: 2617

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 8-10, 16-19, 20, 17-19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by *Liu et al* (US Pub. No. 2004/0190467).

4. Regarding claim 1, Liu teaches a method for use by a subscriber unit to select a time to receive a transmission from a wireless local area network access point using a shared wireless communication resource (Abstract), comprising:

receiving a beacon transmission from the access point comprising first information that corresponds to times when other subscriber units are proposing to utilize the shared wireless communication resource (para. 26 and 28);

using the first information to select a particular time to receive data from the access point using the shared wireless communication resource (para. 27).

5. Regarding claim 8, Liu teaches a method for use by a wireless local area network access point to facilitate reception of transmissions from the access point by subscriber units using a shared wireless communication resource (Abstract), comprising: receiving transmissions from a plurality of subscriber units, wherein the transmissions include information that identifies proposed times when each of the

plurality of subscriber units proposes to utilize the shared wireless communication resource (station may adjust its expected time for data reception para. 94) including schedule information that corresponds to at least a part of the information in a beacon transmission to the subscriber units (para. 26 and 28), such that at least one of the subscriber units can utilize the schedule information to schedule a sleep mode of operation that is consistent with data reception at a selected particular time (para. 82, 84 and 87).

6. Regarding **claim 16**, Liu teaches a method for permitting subscriber units using a shared wireless communication resource to utilize a wireless local area network access point (Abstract), comprising: at various of the subscriber units: transmitting to the access point information that corresponds to proposed transmission times for at least some of the various of the subscriber units (para. 26 and 28); at the access point: using the information to form a message (para. 13, beacon frame); transmitting the message in a beacon transmission to the subscriber units; at least one of the subscriber units: receiving the beacon transmission; using the message to select a first particular time (para. 84 and 87) at which to shift from a sleep mode of operation to an active mode of operation (para. 26, schedules of wake up time).

7. Regarding **claim 2**, Liu teaches all the limitations in claim 1. Liu further teaches that the step of receiving a beacon transmission occurs at a scheduled time (para. 26).

8. Regarding **claim 3**, Liu teaches all the limitations in claim 2. Liu further teaches that receiving the beacon transmission at a scheduled time further comprises altering a subscriber unit's operating mode from a sleep mode of operation to an active reception mode of operation (para. 26, schedules of wake up time).

9. Regarding **claim 4**, Liu teaches all the limitations in claim 1. Liu further teaches the step of using the first information to select a particular time to wake up to receive data (para. 22).

10. Regarding **claims 5 and 20**, Liu teaches all the limitations in claim 1 and 16 respectively. Liu further teaches the shared wireless communication resource comprises an 802.11 compliant shared wireless communication resource (para. 26).

11. Regarding **claim 9**, Liu teaches all the limitations in claim 8. Liu further teaches the step of receiving transmissions from a plurality of subscriber units comprises receiving the transmissions during a contention portion of a beacon interval (para. 47).

12. Regarding **claim 10**, Liu teaches all the limitations in claim 8. Liu further teaches the step of including schedule information that corresponds to at least a part of the information in a beacon transmission to the subscriber units comprises identifying specific times when each of the plurality of subscriber units has proposed to make a transmission (station may adjust its expected time for data reception para. 94).

13. Regarding **claim 17**, Liu teaches all the limitations of claim 16. He further teaches the step of using the message to select a first particular time at which to shift

from a sleep mode of operation to an active mode of operation comprises a subscriber unit that did not propose a transmission time to the access point using the message to select a first particular time at which to shift from a sleep mode of operation to an active mode of operation (para. 26, schedules of wake up time).

14. Regarding **claim 18**, Liu teaches all the limitations of claim 16. He further teaches the step of using the message to select a first particular time at which to shift from a sleep mode of operation to an active mode of operation of a subscriber unit that did propose a transmission time to the access point using the message to select a first particular time that is different from any of the proposed transmission times (para. 94).

15. Regarding **claim 19**, Liu teaches all the limitations of claim 16. He further teaches the step of transmitting to the access point information that corresponds to proposed transmission times comprises transmitting to the access point during a beacon interval (para. 26 and 28).

16. Regarding **claim 21**, Liu teaches all the limitations as in claim 16. He further teaches the step using the information to form a message that includes all of the proposed access times from each of the subscriber units (para. 27 and 28).

***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 22 is rejected under 35 U.S.C. 103(a) as unpatentable by *van bokhorst et al* (US Patent. No. 6192230) in view of *Liu et al* (US Pub. No. 2004/0190467).

19. Regarding claim 22, *vanBokhorst* teaches a subscriber unit for use with a wireless local area network access point using a shared wireless communication resource, (Abstract, Col. 7, 8 and 9, Fig. 9 and 10) comprising: a shared wireless communication resource compatible transceiver (wireless transceiver 230, Fig. 9); a controller (processor 234 Fig. 9) having at least an active mode (full-power period FP, Fig. 10) of operation and a sleep mode (low-power period LP, Fig. 10) of operation and being operably coupled to the transceiver (230, Fig. 9); a memory (236 and 248, Fig. 9) operably coupled to the controller having, at least from time to time, stored therein (message buffer to store messages, Psync timer, receive holdover time, Col 7 lines 25 Col 8 L35 ); a plurality of proposed times at which other subscriber units have proposed to utilize the shared wireless communication resource (receive one or more PTIM messages from others wanting to utilize the radio resource to send this mobile station messages Col. 9 Ln 10-20); a first scheduled time at which the controller will shift from

the sleep mode of operation to the active mode of operation (time to wake up); a second scheduled time at which the controller will cause the transceiver to receive data (time to receive Col. 7-8) as transmitted by the access point; wherein the controller comprises an inherent scheduling means for using the plurality of proposed times to select the first and second scheduled times (When the station receives some or more PTIM messages indicating that other devices want send data to it, then the mobile station stays awake to receive the messages until it finishes receiving data and goes to a doze state therefore there's an inherent scheduling means that selects the first and second times based on the proposed times from other devices. Therefore, this teaching broadly suggests a scheduling means that can control the selecting of first scheduled time (when to wake up) and second scheduled time (when to receive data) based on the plurality of proposed time of when other devices are using the shared resources Col. 9 In 10 –22).

Furthermore, Liu also teaches the concept of having a scheduling means to select the first time element of waking up and the second time element of receiving data based on the SIV frame which contains the proposed time of when other devices are using the resources (station may adjust its sexpected time for data reception and when to reenter sleep mode, [94, 99 and 100]). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine **vanBokhorst**'s teaching of the power savings and suggestions of a scheduler and Liu's scheduler of selecting the wakeup and receive time based on when others are proposing to utilize the network to avoid collision and thereby increases the system's quality of service.

20. Regarding **claim 24**, **van Bokhorst and Liu** teach the subscriber unit of claim 22, wherein **van Bokhorst** further teaches the scheduling means is further for causing transmission of the data to the access point at the second scheduled time when there is no proposed time (Col. 8 ln 46-60).

21. Regarding **claim 25**, **van Bokhorst and Liu** teach the subscriber unit of claim 24 wherein Liu further teaches the scheduling means is further selecting another scheduled time when an apparent conflict appears to exist with another subscriber unit at the second scheduled time ([94]).

22. Claims **6, 7, 11-13, 15, 24-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Liu et al** (US Pub. No. 2004/0190467) in view of **Haddad** (US Pub. No. 2004/0013135).

23. Regarding **claim 6**, **Liu** teaches all the limitations in claim 1. However, Liu does not teach a step of reselecting a new reception time if the first selected time is not available. In an analogous art, **Haddad** teaches that the AP informs each wireless station of the allocation status via the beacon packet and additional time slots can be allocated for their retransmission (para. 39). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Liu's teaching of the time reception scheduling with **Haddad**'s teaching of retransmission opportunity for ensure the integrity of the data transmission and thus increases the quality of service.

24. Regarding **claim 7**, **Liu and Haddad** teach all the limitations in claim 6. However, they do not explicitly teach the step of receiving another beacon transmission

from the access point that corresponds to times when other subscriber units are proposing to utilize the shared wireless communication resource; using the second information to select a new particular time to receive data from the access point using the shared wireless communication resource. Nonetheless, **Haddad** teaches that the AP informs each wireless station of the allocation status via the beacon packet and additional time slots can be allocated for their retransmission (para. 39). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Liu's teaching of the time reception scheduling with **Haddad's** teaching of allowing the station to reselect another transmission opportunity to make sure the transmission is successful and thus increases the quality of service.

25. Regarding **claim 11, 12, and 13**, **Liu** teaches all the limitations in claim 10. However, he fails to teach that identifying specific times comprises identifying a particular moment in a real-time sequence, which is a time slot for a particular event. In an analogous art, **Haddad** teaches that from the beacon packet the AP assigns time slots for the stations to do data transmission (para. 39). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine Liu's teaching of the time reception scheduling with **Haddad's** teaching of allowing the station to select a specific real-time time slot to give the station the flexibility of transmitting when necessary.

26. Regarding **claim 15**, **Liu** teaches all the limitations in claim 12. However, he fails to explicitly teach that the scheduling information identifying specific times even when

none of the plurality of subscriber units have proposed to make a transmission. Nonetheless, it is typical for systems to also include default settings so that the uplink and downlink communications can be minimized.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-21 regarding the filing of a declaration under 37 CFR. 1.131. have been fully considered and are addressed above.

Applicant's arguments with respect to claims 22-25 have been considered but are moot in view of the above new ground(s) of rejection.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Lam whose telephone number is (571) 272-6497. The examiner can normally be reached on M - F 9 - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER